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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

29 CHASOM BROWN, WILLIAM BYATT,
30 JEREMY DAVIS, CHRISTOPHER
31 CASTILLO, and MONIQUE TRUJILLO
32 individually and on behalf of all similarly
33 situated,

34 Plaintiffs,

35 vs.

36 GOOGLE LLC,

37 Defendant.

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67 Case No.: 5:20-cv-03664-LHK

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[PROPOSED] ORDER GRANTING
79 PLAINTIFFS' MOTION SEEKING
80 RELIEF FOR GOOGLE'S FAILURE TO
81 OBEY DISCOVERY ORDER

82 The Honorable Susan van Keulen
83 Courtroom 6 - 4th Floor
84 Date: November 23, 2021
85 Time: 10:00 a.m.

[PROPOSED] ORDER

2 Before the Court is Plaintiffs' Motion Seeking Relief for Google's Failure to Obey
3 Discovery Order (the "Motion"). Having considered the parties' papers filed in support of and in
4 opposition to the Motion, and other papers on file, and good cause having been shown, the Court
5 **ORDERS** as follows:

6 Plaintiffs' Motion is granted.

7 The Court concludes that Google failed to comply with the Court's April 30 Discovery
8 Order (Dkt. 147-1).

9 Within one week of this Order, Google must search for and produce (1) all identifiers
10 within Google’s possession, custody, or control that are associated with Plaintiffs or their devices
11 and (2) all data in Google’s possession, custody, or control linked to all identifiers associated with
12 the named Plaintiffs or their devices, including without limitation IP addresses. Google may not
13 limit this production on the basis of Google’s views on whether such identifiers or data are
14 “authenticated” or “unauthenticated” or whether the data is linked or linkable to Plaintiffs or their
15 devices. Within two weeks of this Order, the parties shall provide a joint update to the Court
16 regarding that production and any issues regarding the case schedule.

17 If Google does not search for and produce the identifiers and data required by this Order,
18 then the Court will take as established for purposes of this action that all of Google's so-called
19 "unauthenticated" data is linked or linkable to users. This includes all private browsing information
20 Google collected during the class period. Google will also be precluded from presenting any
21 arguments in this case concerning whether such data is linked or linkable to Plaintiffs and other
22 class members. This Order applies without limitation to Plaintiffs' anticipated motion for class
23 certification, any summary judgment motions, and trial.

1 **IT IS SO ORDERED.**
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3 DATED: _____

4 Honorable Susan van Keulen
5 United States Magistrate District Judge
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